CITY HALL COUNCIL CHAMBERS
SANTA MARIA, CALIFORNIA
REGULAR MEETING

NOVEMBER 17, 2009

INVOCATION:
Assistant City Manager Haydon gave the invocation.

PLEDGE OF ALLEGIANCE TO THE FLAG:
Councilmember Zacarías led the Pledge of Allegiance.

CALL TO ORDER:
Mayor Lavagnino called the Regular Meeting of the City Council to order at 6:30 p.m.

ROLL CALL:
MEMBERS PRESENT
Councilmembers Cordero, Orach, Patino, Zacarías, and Mayor Lavagnino.

STAFF MEMBERS PRESENT
City Manager Ness, City Attorney Trujillo, Assistant City Manager Haydon, Director of Community Development Appel, Planner III Halverson, Acting Fire Chief Jones, Director of Utilities Sweet, Director of Public Works/City Engineer Whitehead, Acting Director of Administrative Services Harvey, Director of Recreation and Parks Posada, Police Chief Macagni, and Chief Deputy City Clerk Perez.

VOLUNTEER OF THE MONTH
Councilmember Orach presented a gift to John Mahoney, the Recreation and Parks Volunteer of the Month for November 2009, for his inspiration, dedication and hard work in adding a car show element to the Recreation and Parks Department's "Summer Concerts in the Park" series and for arranging a car show at the "Autumn Arts Grapes and Grains Festival."

PROCLAMATION – NATIONAL KEY CLUB WEEK
Councilmember Cordero read a proclamation declaring the week of November 15 – 21, 2009, as "National Key Club Week" in the City of Santa Maria and calling upon all residents of Santa Maria to support the members of this organization and make themselves aware of Key Club, whose members are preparing themselves to be better, more responsible citizens, as they provide meaningful service to our community. The proclamation was accepted by members of the Key Clubs from Santa Maria High School and Righetti High School.

GEM AWARD
City Manager Ness awarded the quarterly "Going the Extra Mile (GEM)" Award to Patti Rodriguez for being the head organizer and driving force behind the annual City Employee's BBQ since its inception 23 years ago. She has shown exemplary leadership skills in organizing and securing donations from the various employee organizations, raffle prizes from local businesses, and locates and secures leaders for the BBQ crew, games, contests, activities, servers, ticket takers, and entertainment. If not for her leadership, determination and care, this important team-building event would not be as successful. City Manager Ness accepted on her behalf as Patti Rodriguez was not present due to illness.

PUBLIC COMMENT
Bob Ziener spoke about the need for a full-size replica of the flag ship Santa Maria to stimulate the City's economy and the downtown center.

Charlie Nole said he was in Santa Maria in 1988 when the City was declared the "City of Peace" and talked about installing a "Cross of Peace" on Highway 166.

Michael Rivera spoke in support of the Minutemen Civil Defense Corps. He said public safety in Santa Maria was deteriorating rapidly. He said the Council needed a gang injunction and a shift toward law-abiding citizens. He said there had been a lack of leadership by the Council regarding gangs and illegal aliens.

Tom Davidson read a list of violent crimes that have been committed in the City recently. He said his neighborhood had been vandalized several times with gang graffiti.

Mickey Freeman requested the Council ask a judge for a gang injunction like the one in Lompoc. She also read a list of crimes.

Paula James said she participated in another "tea party" last weekend against amnesty for illegal immigrants. She asked the Mayor to get an injunction against gangs. She continued reading the list of crimes.

Richard Dydell said not all gang members were 18 years of age and under, but some were. A large percentage were children of illegal immigrants. The high schools were asking for more security on campus. He said the gang injunction was pretty effective in Lompoc.

Susan Klein-Rothschild, Public Health Department, talked about the swine flu and the number of reported cases in Santa Barbara County. She said there has been a delay in getting vaccine in the County; however, this Saturday at the County Health Department there would be an H1N1 clinic from 9:00 to 1:00 for groups most at risk.

Gwen Wood distributed a list of violent crimes since 2006 to the City Council. She said there had been an explosion of violence in the City by illegal immigrants. She talked about the effectiveness of gang injunctions in Lompoc, Oxnard, and other cities in California.

Eduardo Reyes, Fresco's Restaurant and Night Club, said he was born and raised in Santa Maria and loved this town, and that was why he came back to open a business. He said the City Council and Police Department were doing a great job. He said the town may not be perfect, but it was a great town.

Jesus Uriarte, Uriarte Productions, said he had been hired by Mr. Reyes of Fresco's Restaurant to promote the business and keep people in town by providing entertainment. He said they would be sponsoring college nights and other benefit events in the future. He asked for support to help them get started and provide wholesome entertainment for Santa Maria residents.

CONSENT CALENDAR
Mayor Lavagnino pulled Items 3G and 3H for discussion. Councilmember Zacarías requested Item 3F be pulled for comment.

Item 3F – Entertainment License for Fresco's Restaurant and Night Club
Councilmember Zacarías thanked Mr. Reyes for being present and congratulated him on his new restaurant. She informed him that staff was recommending approval.

Items 3G & 3H – Union Valley Parkway, Phase I and Phase II, Award of Bids
Mayor Lavagnino stated he was 29 years old when Mr. Tunnel proposed an east/west freeway in 1965. He didn't think it would ever get built.

Public Works Director/City Engineer Whitehead gave the staff report. Union Valley Parkway has finally reached the construction phase. Phase I would be funded with federal funding and Growth Mitigation fees and extend from Broadway to about 450 feet west of Foxenwood Lane. Phase II would be funded with State funds and Growth Mitigation fees and would extend from the end of Phase I to Blosser Road. He made a few corrections to the agenda report and indicated there was a corrected resolution for Phase I. The City also received a bid protest from V. Lopez and Sons Contractor. The bid protest claimed that the low bidder did not list a paving subcontractor. The low

bidder, John Madonna Construction, responded that his company would be self-performing the paving. Staff tried to contact Mr. Lopez to see if the protest would be withdrawn and was unable to do so prior to the agenda report being prepared. The City Attorney has concluded that John Madonna Construction's bid was responsive and responsible, and the protest was not valid.

Councilmember Patino stated the low bid for Phase I was 35 percent under the Engineer's Estimate. She was very pleased that the bid was being awarded to a local contractor. She liked that the intersection at Union Valley Parkway and Blosser Road would be widened. She asked when the construction would actually start.

Director Whitehead stated he expected the construction would begin around the first of the year.

Councilmember Zacarías also expressed pleasure that a local contractor was being awarded the bid for Phase I. She asked about mathematical irregularities in the bid for Phase II that had been brought to her attention by a constituent.

Director Whitehead explained that on the low bid there were two issues that staff found. One issue was a mathematical error. It was off by about $1,000 and did not make a material difference in the ranking of the bids. It was not a mistake that made the bid nonresponsive. The second issue was with another bid item that had been scratched out and initialed by the company president. The result was that he bid zero on that item. That was perfectly all right for a contractor to do that.

Consent Calendar Items A through L were approved with the revised Resolution No. 2009-158 for Item 3G on motion by Councilmember Orach, seconded by Councilmember Patino, and carried on the following vote:

AYES: Councilmembers Cordero, Orach, Patino, Zacarías, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

A. ORDINANCES
The reading in full of all ordinances and resolutions was waived. Ordinances on the Consent Calendar were adopted by the same vote cast at the first reading unless City Council indicated otherwise.

B. MINUTES
The Minutes of the Regular City Council Meeting of November 3, 2009, were approved as submitted.

C. WARRANTS
Warrant Nos. 154637 to 154889 totaling $1,989,600.48 were ordered ratified subject to having been certified as being in conformity with the budget and having been approved for payment by the Director of Administrative Services. Warrant Nos. 154188 and 154618 were cancelled.

D. PAYROLL
Payment of payroll was ordered ratified subject to having been certified by the proper Department Heads, as shown on records on file in the Department of Administrative Services and having been approved for payment by the Director of Administrative Services.

E. ENTERTAINMENT LICENSE
Resolution No. 2009-156 was adopted approving an Entertainment License for O'Sullivan's Pub located at 633 East Main Street to allow entertainment in the form of live music and disc-jockey music on Sunday through Thursday from 6:00 p.m. to 1:00 a.m. and live music, disc-jockey music, and dancing on Friday and Saturday from 8:00 p.m. to 1:00 a.m.

Resolution No. 2009-156 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING AN ENTERTAINMENT LICENSE FOR O'SULLIVAN'S PUB.

F. ENTERTAINMENT LICENSE

Resolution No. 2009-157 was adopted approving an Entertainment License for Fresco's Restaurant and Night Club located at 510 South Broadway to allow entertainment in the form of live music, disc-jockey music, stereo, and solo acts on Monday through Thursday from 12:00 p.m. to 2:00 a.m. and live music, disc-jockey music, stereo, solo acts, and dancing on Friday through Sunday from 9:00 p.m. to 1:00 a.m.

Resolution No. 2009-157 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING THE ENTERTAINMENT LICENSE FOR FRESCO'S RESTAURANT AND NIGHT CLUB.

G. AWARD OF BID – UVP, PHASE I

Resolution No. 2009-158 was adopted awarding the bid and approving a contract for Union Valley Parkway Extension, Phase I, Bid No. 2010/02, to G. Sosa Construction in the amount of $1,599,999.00.

Resolution No. 2009-158 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING A CONTRACT WITH G. SOSA CONSTRUCTION, INC., FOR UNION VALLEY PARKWAY EXTENSION, BID NO. 2010/02.

H. AWARD OF BID – UVP, PHASE II

Resolution No. 2009-159 was adopted awarding the bid and approving a contract for Union Valley Parkway Extension, Phase II, Bid No. 2010/11, to John Madonna Construction, Inc. in the amount of $3,602,242.10.

Resolution No. 2009-159 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING A CONTRACT WITH JOHN MADONNA CONSTRUCTION FOR UNION VALLEY PARKWAY EXTENSION-BLOSSER ROAD TO 450 FEET WEST OF FOXENWOOD LANE, BID NO. 2010/11.

I. NO STOPPING ZONE

Resolution No. 2009-160 was adopted establishing a no stopping zone on Depot Street along the westerly right-of-way near Main Street.

Resolution No. 2009-160 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, ADOPTING A NO STOPPING ZONE ON DEPOT STREET PURSUANT TO SECTION 7-5.16 OF THE SANTA MARIA MUNICIPAL CODE.

J. NO STOPPING ZONE

Resolution No. 2009-161 was adopted establishing a no stopping zone on Furukawa Way along the southerly right-of-way near Kameo Street.

Resolution No. 2009-161 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, ADOPTING A NO STOPPING ZONE ON FURUKAWA WAY PURSUANT TO SECTION 7-5.16 OF THE SANTA MARIA MUNICIPAL CODE.

K. ANGLE PARKING

Resolution No. 2009-162 was adopted establishing angle parking on El Camino Street west of Pine Street, on El Camino Street east of Pine Street, and on both sides of Pine Street between Tunnel Street and El Camino Street.

Resolution No. 2009-162 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, ADOPTING ANGLE PARKING ON EL CAMINO STREET AND PINE STREET PURSUANT TO SECTION 7-5.24 OF THE SANTA MARIA MUNICIPAL CODE.

L. ANNEXATION AND ASSESSMENT

Resolutions No. 2009-163, 2009-164, 2009-165, and 2009-166 were adopted annexing and assessing certain projects within the Northwest, Southwest, Northeast, and South Miller Street/South College Drive Landscape Maintenance Districts and any Special Benefit Zones.

Resolution No. 2009-163 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, ANNEXING AND AUTHORIZING THE ASSESSMENT OF LANDSCAPE MAINTENANCE FEES TO LA BODEQUITA & COMMISSARY, CENTRAL COAST DISTRIBUTING, AND DIANI COMPANIES OFFICE LOCATED IN THE NORTHWEST LANDSCAPE MAINTENANCE DISTRICT (STREET AND HIGHWAYS CODE SECTION 22500, ET SEQ.)

Resolution No. 2009-164 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, ANNEXING AND AUTHORIZING THE ASSESSMENT OF LANDSCAPE MAINTENANCE FEES TO VTC ENTERPRISES AND TAKKEN BUILDING LOCATED IN THE SOUTHWEST LANDSCAPE MAINTENANCE DISTRICT (STREET AND HIGHWAYS CODE SECTION 22500, ET SEQ.)

Resolution No. 2009-165 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, ANNEXING AND AUTHORIZING THE ASSESSMENT OF LANDSCAPE MAINTENANCE FEES TO AMERICA'S TIRE STORE LOCATED IN THE NORTHEAST LANDSCAPE MAINTENANCE DISTRICT (STREET AND HIGHWAYS CODE SECTION 22500, ET SEQ.)

Resolution No. 2009-166 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, ANNEXING AND AUTHORIZING THE ASSESSMENT OF LANDSCAPE MAINTENANCE FEES TO SANTA MARIA CEMETERY DISTRICT LOCATED IN THE SOUTH MILLER STREET/SOUTH COLLEGE DRIVE LANDSCAPE MAINTENANCE DISTRICT (STREET AND HIGHWAYS CODE SECTION 22500, ET SEQ.)

GENERAL PLAN AMENDMENT FOR THE BIKEWAY MASTER PLAN, GP-2008-002, E-2009-040.

Planner III Halvorson gave the staff report. The City Council is asked to review a recommendation from the Planning Commission to authorize the filing of a Negative Declaration for E-2009-040, approve an amendment to the Circulation Element of the General Plan, and approve the Santa Maria Bikeway Master Plan. The Bikeway Master Plan is important in order to satisfy requirements of the California Bicycle Transportation Account (BTA) and other County, State and Federal funding programs for bicycle transportation projects. In order to qualify for available funding, the State of California requires that applicants have a master plan adopted or updated within the past five (5) years that includes a number of specific elements related to bicycle commuting, land uses, multi-modal connections, funding, and public input.

The existing Bikeway Plan adopted in 1992 called for two types of bikeway trails. They are identified as Multi-Purpose Trail I and Multi-Purpose Trail II or Class I and Class II bikeways. As described in the adopted 1992 plan, these trails provide for a separate and safe route for children and recreational cyclists. Class I facilities are completely separated trails (off-street) that may be located along rivers, drainage channels, existing or abandoned railroad rights-of-way, utility rights-of-way and between parks. Class II facilities are on-street bike lanes.

After years of bicycle facility development guided by the Circulation Element of the Santa Maria General Plan, the City has implemented an extensive network of bikeways that provide connections to destinations throughout the City, as well as links to adjacent communities and the Santa Barbara County regional system, totaling nearly 66 miles. The updated Bikeway Master Plan recommends over 139 new miles of bicycle facilities, of which 59 miles are proposed to be Class I bike facilities. Currently, there are approximately 19 miles of existing Class I bike facilities. The Battles Multi-Purpose trail, Santa Maria Levee Multi-Purpose trail and the Skyway/Hagerman/Waller Park Multi-

Purpose trail facilities are included in these existing Class I bike facilities. Some of the goals of this plan are to enhance and expand the existing bikeway network, connect gaps, address constrained areas and improve intersections, provide for greater local and regional connectivity, and encourage more residents to bicycle throughout the community. The plan also provides for an updated system of bike lanes, and bike routes, and identifies necessary support facilities, such as bicycle parking, while recommending a variety of programs to allow for safe, efficient and convenient bicycle travel in Santa Maria connecting to local and regional destinations.

Mr. Halvorson referenced a letter from the Santa Maria Valley Railroad and indicated that he had previously discussed railroad issues with Mr. Himoto. He understood his concerns; however, the City believed that there was some flexibility in the Plan to not actually put bikeways in the railroad right-of-way, but rather adjacent to the right-of-way.

On November 4, 2009, the Planning Commission adopted Resolution No. 2555 recommending the City Council approve a Negative Declaration, Resolution No. 2556 recommending the City Council approve the General Plan (Circulation) amendment, and Resolution No. 2557 recommending the City Council approve the Santa Maria Bikeway Master Plan.

Mayor Lavagnino opened the public hearing.

Bill Orndorff spoke in support to the revisions of the Bikeway Plan. He said he represented the property owners of property adjacent to the railroad right-of-way. They had some concerns about the bikeway being moved from the railroad right-of-way to their property. His clients were currently preparing a subdivision application to divide the 10-acre parcel into 12 lots. If the bikeway was moved, it would take eight feet of his clients' property. He said he was hoping that when his clients' tentative map came before the Planning Commission and City Council, it would not require the bikeway to be moved onto their property.

Professor Bill Patterson thanked the City Council for the new Bikeway Plan. He and his wife ride almost every day. He said his main interest was to have bike lanes along Highway 135 and 166.

Deborah Brasket, SBCAN, spoke in support of the Bikeway Plan. She said the main omission in the Plan was the lack of safe bike routes along Main Street and Broadway. She said the Plan proposes creating Class III bike lanes which was not good enough. Class II bike lanes were needed. She suggested several alternatives if Class II bike lanes were not feasible.

Hearing no further requests to speak, Mayor Lavagnino closed the public hearing.

Councilmember Zacarias stated she was impressed with the Plan but was shocked at the cost. She was happy that there were funding resources that would not affect the City's General Fund. The issue of safety for bicyclists often came up. There were programs to teach bicycle safety to children. She thought there was an opportunity for the City to be more creative in encouraging people to ride bicycles.

Mr. Halvorson stated he thought they had done a pretty good job at putting together ideas. If the Plan was approved, then staff would go to work on trying to do some of the things listed.

Councilmember Cordero stated he was of the opinion that the public safety issues should be resolved before taking action on the document. He would like to see the railroad's issues resolved, and he did not want to affect Mr. Orndorff's clients.

Mr. Halvorson stated the Plan needed to be approved by the end of this year in order to meet the application deadlines for funding. He had talked to Mr. Orndorff several times about his client's property. He felt it was a project-specific issue that could be resolved on a different level.

Councilmember Patino stated she didn't think the Plan matched Santa Maria. Santa Maria was an agricultural community with big trucks on Main Street. She didn't want to see bike paths on Main Street. The City had to accommodate the ag community. When the Council set policy, that set it in stone and the cost was $43 million of taxpayers' money. The safety issue was a big issue for her as well as the railroad issue. The biggest issue was the ag community. The impact to the growers if their fields were contaminated by bicyclists could be millions of dollars. They were issues that needed to be addressed. She saw a real disconnect between what Santa Maria was and what it would be in 20 years and this Plan. She said she understood the City needed a plan, but it should be done right.

Councilmember Orach stated he has ridden bicycles for many years. He would hate to see any of the components chopped from the Plan. The railroad right-of-way was a natural for bikeways. Other communities had been able to work out issues with the railroads. This could be worked out on an individual basis with Mr. Orndorff's clients and others. He said he would rather leave the Plan as presented and work situations out as they came up. There were some stretches of Main Street and Broadway that were not conducive to bicycle riding. They had to look at this as a big picture and not something that was going to happen overnight.

Director of Community Development Appel stated that the Plan was for the City of Santa Maria with interlinks to the Orcutt and Guadalupe areas. However, the City only had jurisdiction for the areas within the City limits. The Plan was just recognizing that there may be a bike path from Santa Maria to Guadalupe. There was a bikeway adjacent to ag land currently, and there had not been any complaints. The Plan was trying to recognize that there would ultimately be bikeways between Santa Maria and the County and Guadalupe. He said it was very challenging to ride a bicycle on Broadway and Main Street. The City did not have permission from Caltrans for bike lanes on those State highways. He also talked about the railroad's opposition and explained that except for a short segment of about 100 yards near Stowell, the bikeway would not be within the railroad right-of-way.

Councilmember Cordero stated he understood that the funds the City could lose was close to $1 million. However, the issues should be addressed before the Council took action. He said he would like to continue the item to the next meeting.

Resolution No. 2009-167 was adopted approving a Negative Declaration for the Santa Maria Bikeway Master Plan on motion by Councilmember Zacarías, seconded by Councilmember Orach, and carried on the following vote:

AYES: Councilmembers Orach, Zacarías, and Mayor Lavagnino
NOES: Councilmembers Cordero, Patino
ABSENT: None
ABSTAIN: None

Resolution No. 2009-167 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING THE NEGATIVE DECLARATION, E-2009-040, FOR THE SANTA MARIA BIKEWAY MASTER PLAN, GP-2008-002.

Resolution No. 2009-168 was adopted approving a General Plan (Circulation) Amendment for the Santa Maria Bikeway Master Plan on motion by Councilmember Zacarías, seconded by Councilmember Orach, and carried on the following vote:

AYES: Councilmembers Orach, Zacarías, and Mayor Lavagnino
NOES: Councilmembers Cordero, Patino
ABSENT: None
ABSTAIN: None

Resolution No. 2009-168 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING A GENERAL PLAN

(CIRCULATION) AMENDMENT FOR THE SANTA MARIA BIKEWAY MASTER PLAN, GPZ-2008-002, E-2009-040.

Resolution No. 2009-169 was adopted approving the Santa Maria Bikeway Master Plan on motion by Councilmember Zacarias, seconded by Councilmember Orach, and carried on the following vote:

AYES: Councilmembers Orach, Zacarias, and Mayor Lavagnino
NOES: Councilmembers Cordero, Patino
ABSENT: None
ABSTAIN: None

Resolution No. 2009-169 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, ADOPTING THE SANTA MARIA BIKEWAY MASTER PLAN, GP-2008-002, E-2009-040.

Councilmember Zacarías left the meeting at this time due to illness.

OFFICE OF TRAFFIC SAFETY SOBRIETY CHECKPOINT MINI-GRANT.
Police Chief Macagni gave the staff report. The City Council is requested to authorize the appropriation of $49,549.74 to be allocated to the Santa Maria Police Department under the provisions of the Office of Traffic Safety, California Sobriety Checkpoint Mini-grant Program. The Office of Traffic Safety has implemented a California Sobriety Checkpoint Mini-grant Program as a method of reducing the number of victims killed and injured in alcohol impaired crashes in participating cities. In order to accomplish this goal, the Office of Traffic Safety has offered continued funding to law enforcement agencies to conduct sobriety checkpoint enforcement on an overtime basis.

The Police Department has applied and received approval for funding from the Office of Traffic Safety to participate in the California FY 2009-2010 Sobriety Checkpoint Mini-grant Program. The Sobriety Checkpoint Program will be conducted in Santa Maria from December 16, 2009, through January 03, 2010, and August 20, 2010, through September 06, 2010. Funds totaling $49,549.74 will be utilized to increase the level of sobriety checkpoint enforcement hours on an overtime basis for first line supervisors, officers, and administrative time to meet the grant reporting requirements.

Resolution No. 2009-170 was adopted authorizing the appropriation of $49,549.74 to the Police Department on motion by Councilmember Orach, seconded by Councilmember Patino, and carried on the following vote:

AYES: Councilmembers Cordero, Orach, Patino, and Mayor Lavagnino
NOES: None
ABSENT: Councilmember Zacarias
ABSTAIN: None

Resolution No. 2009-170 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROPRIATING FUNDING UNDER THE OFFICE OF TRAFFIC SAFETY'S CALIFORNIA SOBRIETY CHECKPOINT MINI-GRANT PROGRAM.

2009 EDWARD J. BYRNE MEMORIAL JUSTICE ASSISTANCE (JAG) PROGRAM GRANT - LOCAL.
Police Chief Macagni gave the staff report. The City Council is requested to authorize the appropriation of $38,230 to be allocated to the Santa Maria Police Department for the purchase of a Cal-ID AFIS Workstation via an interlocal agreement between the City of Santa Maria and the County of Santa Barbara under the provisions of the 2009 Recovery Edward J. Byrne Memorial Justice Assistance (JAG) Program Local solicitation. As part of the American Recovery and Reinvestment Act of 2009, the Byrne Memorial Justice Assistance Grant (JAG) Program was reauthorized. Funding under the JAG Program is awarded annually to local agencies to prevent or reduce crime and violence. The JAG Program allows local governments to support a broad range of activities to prevent and control crime based on their own local needs and conditions.

JAG blends the previous Byrne Formula and Local Law Enforcement Block Grant (LLEBG) Programs to provide agencies the flexibility to prioritize and place justice funds where they are needed most. Funding is available to local jurisdictions based on a population formula and Part 1 violent crime statistics. There are no matching funds required.

Based upon the City's population, the City of Santa Maria's 2009 allocation of JAG funding is $75,067 which is the highest allocation within Santa Barbara County. However, under the JAG legislation, a city that receives one and one-half times more funding than the county is in a funding disparity and the local entity is no longer eligible for a direct award. Therefore, funding is awarded via the County and all disparate jurisdictions must meet and come to an agreement on the distribution of funds. On June 15, 2009, the Santa Barbara County Law Enforcement Chiefs met and determined that a shared allocation of JAG funds in support of the Santa Barbara Regional Task force would best meet the needs of the County and that $38,230 would be awarded to the Police Department for the purchase of a Cal-ID workstation. The County Board of Supervisors approved the interlocal agreement and funds distribution during a regular meeting held in July 2009.

Councilmember Cordero stated he had received several telephone calls regarding budgeting and how the City was going to pay for all these new things. He asked the City Manager to explain how grant funding worked.

City Manager Ness explained there were General Funds which paid for all those functions within the General Fund including the Police Department and also special funds such as grant funds which were very specific. The grant money could only be used for specific purposes. Grant funds and special funds had to be kept and accounted for separately.

Resolution No. 2009-171 was adopted authorizing the appropriation of $38,230 to the Police Department on motion by Councilmember Cordero, seconded by Councilmember Patino, and carried on the following vote:

AYES: Councilmembers Cordero, Orach, Patino, and Mayor Lavagnino
NOES: None
ABSENT: Councilmember Zacarias
ABSTAIN: None

Resolution No. 2009-170 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROPRIATING FUNDING UNDER THE 2009 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE (JAG) PROGRAM – LOCAL.

AMENDMENT TO THE SANTA MARIA MUNICIPAL CODE TO ALLOW NON-LETHAL ELECTRIC FENCES IN COMMERCIAL AND INDUSTRIAL ZONES.

Deputy City Attorney Sinco gave the staff report. The City Council will consider a proposed ordinance adding Chapter 9-17 to the Santa Maria Municipal Code relating to electric fences. In January 2008, the City's Code Compliance Division received a report of an illegally installed electric fence. A few weeks later, another report of a second illegally installed electric fence was received for another location in the City. Both fences had been installed by the same company, Sentry Security. This company markets a non-lethal electric fence designed to prevent burglaries at commercial properties. The technology is derived from electric fences used in New Zealand to keep sheep from wandering off. The two businesses that had retained the services of Sentry Security had experienced a number of break-ins and losses due to thefts.

Staff discovered the City's Municipal Code did not have any provisions regarding electric fences. California Food and Agriculture Code sections 17151 – 17153 permits certain types of electric fences, including the type of non-lethal electric fence that is the subject of the proposed ordinance; but does not preclude local regulation of such fences. Since state law permitted electric fences, the reason the fence was illegally installed in the City was because it exceeded the height allowed for fences without

Planning Division approval. Moreover, the City's Building Official, had concerns that such fences might be in violation of the California Electric Code and requested that Sentry Security provide evidence of testing from approved organizations proving that the fences were non-lethal. Sentry Security provided testing evidence that satisfied the City's concern and determined that the electric fences were non-lethal and that they were not prohibited by the California Electrical Code. The proposed ordinance sets forth specific guidelines for the types of electric fences that will be permitted in the City, under what conditions they will be allowed, and provides that a building permit will be required if all of the conditions in the ordinance are met.

Michael Pate, Sentry Security, thanked City staff for working with them through this process. He said the electric fence had a pulse electrical device which had been in use since 1939 and allowed in California since 1976.

Councilmember Patino asked why the City needed an ordinance if the State already had standards. She said she objected to the requirement for two fences.

Deputy City Attorney responded that the State did not actually have any guidelines. He said this was a proactive effort on the part of staff to streamline the process.

Mr. Pate stated the Food and Agricultural Code required two fences so that someone walking down a sidewalk could not innocently touch the fence. The standard was trying to protect innocent folks.

Ordinance No. 2009-24 was introduced by title only for first reading and continued to the next meeting for second reading and adoption adding Chapter 9-17 to the Santa Maria Municipal Code to allow non-lethal electric fences in commercial and industrial zones on motion by Councilmember Orach, seconded by Councilmember Patino, and carried on the following vote:

AYES: Councilmembers Cordero, Orach, Patino, and Mayor Lavagnino
NOES: None
ABSENT: Councilmember Zacarias
ABSTAIN: None

Ordinance No. 2009-24 introduced. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, ADDING CHAPTER 9-17 TO THE SANTA MARIA MUNICIPAL CODE, RELATING TO ELECTRIC FENCES.

CITY MANAGER'S REPORT

City Manager Ness reported on items anticipated for the December 1, 2009, City Council meeting including three public hearings for the Neighborhood Stabilization Program and a public hearing for the Draft Housing Element. Additionally, there would be an appointment to the Planning Commission and the Nipomo Intertie Project Water Agreement.

ORAL REPORTS BY COUNCILMEMBERS

Councilmember Orach reported he went to the Economic Forecast on November 17th. He attended a couple of meetings, and spent the weekend with his new granddaughter, Riley Rose.

Mayor Lavagnino reported he attended the North County Sub-regional Committee meeting on November 4th, the Celebrate Philanthropy Lunch on November 5th, the Mayors and Managers meeting on November 6th as well as the Mayor's Lunch and Director of Administrator Services Lynda Snodgrass's retirement party, was on Univision with Gary Michaels on November 9th and met with Sam Blakeslee, attended the Celebration of Life on November 12th, and the Economic Forecast 2010 on November 17th which was paid for by the Chamber of Commerce.

Councilmember Patino reported on November 6th she attended the Crab Frenzy and Lynda Snodgrass's retirement reception; the Annual Pioneer Fall Dinner on November 8th; met with Sam Blakeslee on November 9th; participated in the Take a Future

Business Leader to Lunch on November 10th and attended the Guadalupe City Council meeting; on November 11th, the Veterans' Day at Cemetery; on November 12th, the Celebration of Life and the League of Women Voters Forum on Health Care; on November 14th, Fighting Back Santa Maria Valley's Rock the Block event; and on November 18th, the 2010 Business and Economic Outlook.

Councilmember Cordero reported he was on the Ben Heighes Show on November 5th, attended Lynda Snodgrass's retirement party on November 6th, the Veteran's Day Ceremony at the Cemetery on November 11th, the Hancock Foundation meeting on November 12th, the North County Rape Crisis and Child Protection Center Dinner and Auction, and the 2010 Economic Outlook on November 17th.

ADJOURNMENT
There being no further business to come before the City Council at this time, the meeting was declared adjourned by Mayor Lavagnino at 8:55 p.m.

APPROVED

December 1, 2009
Date

Chief Deputy City Clerk of the City of Santa Maria and ex officio Clerk of the City Council

ATTEST

Chief Deputy City Clerk

Mayor of the City of Santa Maria